

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SHAWN HENDERSON,)	
)	
Petitioner,)	
v.)	No. 1:13-cv-00291-WTL-DML
)	
SUPERINTENDENT HANKS,)	
)	
Respondent.)	

Entry and Order Dismissing Action

I.

State inmate Shawn Henderson was given a final period of time, through June 4, 2013, in which to comply with the directions of paragraph 4 of the Entry issued on March 19, 2013. Those directions were that Henderson “explain how his claim of sovereignty states a cognizable claim for habeas corpus relief” and that he “state whether and in what fashion he presented this claim to the Indiana state courts.”

Henderson has filed a motion/demand for damages and for his release. He cannot obtain damages in an action for habeas corpus relief and he has not even plausibly established his right to be released. The motion/demand for damages and for his release [Dkt 19] is therefore **denied**.

As to the habeas petition itself, Henderson has not shown that he has presented his habeas claims to the Indiana state courts or how the habeas claims would entitle him to relief. *Rose vs. Hodges*, 423 U.S. 19, 21 (1975) (“A necessary predicate for the granting of federal habeas relief [to a petitioner] is a determination by the federal court that [his or her] custody violates the Constitution, laws, or treaties of the United States.”). He has also not shown that his habeas claim has been fairly and properly presented to the Indiana state courts. *Lewis v. Sternes*, 390 F.3d 1019,

1025-26 (7th Cir. 2004)(“Inherent in the habeas petitioner’s obligation to exhaust his state court remedies before seeking relief in habeas corpus, *see* 28 U.S.C. § 2254(b)(1)(A), is the duty to fairly present his federal claims to the state courts. . . . Fair presentment in turn requires the petitioner to assert his federal claim through one complete round of state-court review, either on direct appeal of his conviction or in post-conviction proceedings.”)(internal citations and quotation marks omitted). The habeas petition thus shows on its face that Henderson is not entitled to the relief he seeks and will be dismissed without prejudice.

II.

Judgment consistent with this Entry shall now issue.

III.

Pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the *Rules Governing ' 2254 Proceedings*, and 28 U.S.C. ' 2253(c), the court finds that Henderson has failed to show that reasonable jurists would find it Adebatable whether [this court] was correct in its procedural ruling.® *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court therefore **denies** a certificate of appealability.

IT IS SO ORDERED.

Date: 06/14/2013



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

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